

MINUTES
WEST VALLEY LAND USE ADVISORY COMMITTEE (WV LUAC)
August 23, 2022

Chair Alejandro called the meeting to order at 6:00pm. Committee members present were: Steve Alejandro, Erica Wirtala, Bruce Colburn, Paul McKenzie, Nick Thiel. A quorum of the advisory committee was present. The meeting was held at West Valley School. Multiple members of the public attended, sign in sheet attached.

The minutes from the July 26, 2022 meeting were reviewed and approved. Motion by Erica W. Second by Bruce C., motion passed unopposed.

NEW BUSINESS:

FPP-22-13 Preliminary Plat Approval Request of Bluemoon Estates Subdivision.

- Erin Appert from Planning and Zoning Office presented the project application submitted by Bluemoon Refinery, LCC with technical assistance from Sands Surveying, Inc. This is a proposal to create 5 residential lots on 25.00 acres. The lots would be served by individual well and septic. The property is located at 1587 W. Springcreek Road, Kalispell, MT and is zoned SAG-5 in the Westside Zoning District. The application also requests a variance to regulation 4.7.17.f.i(off site road improvements) requesting a waiver of the paving requirements of this regulation.
 - The staff report was not available so no findings or conditions were available for discussion. Erin indicated that the staff report would not be as “favorable” to the variance request as the previous report on the property adjoining to the north which sought approval for a very similar 5-lot subdivision of that property.
 - Questions from the board focused on the paving waiver request. The board discussed the planning board recommendation and ultimately the Commissioner final decision on the adjoining subdivision where similar concerns were expressed. While the planning board had adopted the recommendations of the WVLUAC, the Commissioners ultimately removed all changes, and approved both the subdivision and variance waiving paving requirements.
 - Erin reviewed the comments received to date, which were relatively general in nature
- Sands Survey Representative Donna Valade addressed the variance request on behalf of the applicant. Justification for the variance was the inherent inequities of the Off Site Improvement formula and the view of the applicant that the paving requirement was unfair. It placed early developers and small subdivision developers at a disadvantage and was too expensive for the scale of project being proposed.
- Nick T. questioned the rationale for paving the interior subdivision road, yet leaving the county access road unpaved. Erin clarified that paving of internal subdivision roads is a requirement of subdivision approval.

Paul M. made the motion: **To forward a letter of recommendation to the Planning Board for approval of the subdivision application identified as FPP-22-13, and to recommend Denial of the variance request that would waive the off site improvement paving requirements.** Second by Erica W.

Board Discussion Ensued:

- Primary concerns of the request are that the county road would not be appropriately upgraded to handle the extra traffic and this in conjunction with the adjoining subdivision would increase traffic by 100 trips a day with no paving or road improvements.

- Concerns over safety issues, sight distance etc. at the intersection of W. Springcreek road and Reserve Dr. in the context of the additional traffic generated by this and previous subdivisions were raised as well
- Due to the topography of the parcel, a question was raised over the feasibility of providing driveway access to lots 3 and 4 without exceeding the maximum 12% grade limit in the subdivision regulations
- Erica W. questioned continuing to approve individual septic systems, which require periodic pumping, when there is a moratorium on land application of sludge in the County.
- The survey conducted in conjunction with the WV Neighborhood Plan update clearly indicated that traffic, unpaved roads and associated dust and maintenance issues were near the top of the issue list for West Valley.
- The board discussed attempt to require subdivision participation in the county cost share dust control program if the paving waiver was granted. The language proposed for the previous subdivision was deemed unacceptable to the County Commission. Inclusion of the requirement to abate dust in CCR's is ineffective as there is no mechanism for enforcement. The board felt strongly that if the variance is requested, the developer/lot owners should be held accountable for participation in the dust abatement program or provide dust abatement on their own until such time the county road is paved.
- The question was called on the motion. *The motion was passed unopposed.*
- The board requested that the issues identified, Dust, Intersection Safety and Driveway compliance be specifically addressed in the staff report.

OLD BUSINESS:

West Valley Neighborhood Plan Update process:

- Steve A. has been updating the process chronology and is nearly complete with that task.
- A discussion ensued on how to adopt/approve the various map and exhibit updates. It was decided to include them in the draft documents and handle approval in conjunction with the rest of the document.
- Steve A. reported he had met with Planning Director Mack to review the numbering scheme proposed for the N.P. Mr. Mack said the system was acceptable.
 - Mr. Mack asked if there had been a review to ensure the digital copy of the plan was a word for word transcription from the xerox master copy. This still needs to be done. Steve A and Erica W. will work to get this done in the next week or so.
 - Mr. Mack questioned the source of data for the various exhibits and map updates. Steve A. explained the mapping had been done by County GIS using a variety of government and open-source data sources. This needs to be annotated adequately in an update draft.
- A discussion ensued about the status of the "land use" section. After the last workshop, the land use section is essentially in final draft form. The "utilities" section is still in final formatting and review. Once both sections are complete to the satisfaction of the subcommittees, Chairman Steve A. will provide digital copies to the board members for review.
- A discussion evolved about the public review process and opportunity for input. Draft documents will be made widely available. At least one public meeting will be held, written comments will be accepted and input considered. Once any revisions are made based on public input, a final draft will be submitted to the planning office to begin the review process. Additional public input opportunities will exist at both the Planning Board and County Commission level.
- A discussion occurred regarding a proposal for update to the North Fork Neighborhood Plan that did not go well at the Planning Board review. That experience highlighted the need to adequately

identify the specific changes to the plan as well as rationale and to provide sufficient time for the Planning Board to review and understand the proposed update.

PUBLIC COMMENT:

- A member of the public reiterated the failure of the N. Fork Plan update and suggested one option would be to request a “work session” with the planning board to allow for full discussion and understanding of the proposed changes.

Next Workshop Meeting September 13th , 2022, 6pm West Valley School
Next general meeting September 27th , 6pm West Valley School.

Erica W. made a motion to adjourn, second by Bruce C. The motion was passed unopposed at 7:35pm

Respectfully Submitted,
Paul McKenzie
Secretary, West Valley Land Use Advisory Committee